

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 13 2013

OFFICE OF
MANAGING DIRECTOR

Benjamin Perez
Abacus Television
514 Chautauqua Street
Pittsburgh, PA 15214

Re: Waiver Request (Financial Hardship; Late
Filing; 47 U.S.C. § 159(c); 47 C.F.R. §§ 1.1164(c)
& (e); 1.1166(a)(2); 1.1166(c)) 47 C.F.R. §
1.166(c))

Licensee/Applicant: Abacus Television
Stations: WIIC-LP; WPTG-LP; WWBP-LP;
WWAT-CA; WQVC-CA; WBYD-CA; WBOA-LP;
WWVW-LP; WTOO-CA; WSSS-LP; WJKF-CA
FY 2013 Regulatory Fees
Fee Control No: RROG-13-00015416

Disposition: Dismissed

Dear Mr. Perez:

This responds to Licensee's *Request*¹ for a waiver of the required Fiscal Year (FY) 2013 regulatory fees, which were due September 20, 2013.² Our records reveal that Licensee did not pay the FY 2013 regulatory fees for Stations WIIC-LP, WPTG-LP, WWBP-LP, WWAT-CA, WQVC-CA, WBYD-CA, WBOA-LP, WWVW-LP, WTOO-CA, WSSS-LP, and WJKF-CA, rather Licensee submitted a *Petition*³ to defer payment until after a ruling on the *Request*. Unfortunately, the Commission received Licensee's *Petition* and *Request* on September 23, 2013, after the final date on which to pay the fees or submit a request for waiver and deferment without incurring the statutory 25 percent penalty and other charges.⁴ Because a document is filed with the Commission upon its receipt at the location designated by the Commission,⁵ Licensee's *Petition* and *Request* were filed late. Accordingly, under 47 U.S.C. §

¹In the matter of: Waiver of Regulatory Fee for FY 2013 of Abacus Television, 1801 Columbia Road, N.W., Suite 101, Washington, DC 20009, Licensee of WIIC-LP, *et al.* (Sep. 15, 2013)(rec'd Sep. 23, 2013) (*Request*).

²See Payment Methods and Procedures for Fiscal Year 2013 Regulatory Fees, Public Notice, DA 13-1796 (Sep. 4, 2013)("Regulatory Fees must be RECEIVED by the Commission no later than 11:59 PM ... September 20, 2013.").

³In the Matter of: Petition for Deferral of Payment of 2013 Regulatory Fees Until After a Ruling on Petitioner's Regulatory Fee Waiver Request for 2011, WIIC-LP, *et al.* (Sep. 10, 2013) (rec'd Sep. 23, 2013)(*Petition*).

⁴Waivers, Reductions and Deferments of Regulatory Fees, *Regulatory Fees Fact Sheet* (Sep. 5, 2013), 2013 WL 4773993 (2013)("All requests for waiver accompanied by a petition for deferral of payment must be received by the deadline, September 20, 2013. Any request for waiver and deferral received after that date will be dismissed and licensee will be responsible for paying the full amount of the fee, a penalty equal to 25% of the amount of the fee not paid in a timely manner, charges of collection, and accrued payable interest and other penalties.").

⁵47 C.F.R. § 1.7 ("pleadings and other documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission.").

159(c) and 47 C.F.R. §§ 1.1164(c)⁶ & (e)⁷ and 1.1166, we assess the late payment penalties⁸ and charges,⁹ and we dismiss the *Petition* and *Request*.

The delinquent fees and accrued charges are due immediately, and because we dismissed the *Request*, we need not discuss its merits. In addition, we note that Licensee remains delinquent in paying the fees due for FY 2012 and other years.¹⁰ Those debts remain delinquent, which provides grounds for withholding of action¹¹ and dismissal of this and other applications for relief. Accordingly, even if the *Petition* and *Request* had been filed on time, we would dismiss the matters without action.¹²

Full payment of Licensee's FY 2013 regulatory fees, 25% penalties, and other charges is due. Under the law,¹³ the Commission applies debt collection procedures¹⁴ to collect delinquent debt, including assessing interest, penalties, and the charges of collection until we receive the full payment of the delinquent debt. Licensee should obtain a payoff amount by going to the Commission's Fee Filer website.

Because Licensee is delinquent in a debt owed the United States, this provides notification that under 31 U.S.C. § 3711(g), without further notice, and usually within 180 days or less of delinquency, we will transfer the delinquent debt to Treasury, which will initiate collection action through private collection activities and assess additional charges. In addition, we may refer the debt to the Department of Justice, which may result in litigation and additional costs.

Moreover, under 31 U.S.C. § 3716, 31 C.F.R. § 285.5, and 47 C.F.R. § 1.1912, some or all of the debt may be collected by non-centralized or centralized administrative offset. Also, under 31 U.S.C. § 3711(e), this debt and Licensee's payment history will be reported to credit reporting information bureaus. Because we have furnished notice here, Licensee may not receive

⁶ 47 C.F.R. § 1.1164(c) ("If a regulatory fee is not paid in a timely manner, the regulatee will be notified of its deficiency. This notice will automatically assess a 25 percent penalty, subject the delinquent payor's pending applications to dismissal, and may require a delinquent payor to show cause why its existing instruments of authorization should not be subject to rescission.").

⁷ 47 C.F.R. § 1.1164(e) ("Any pending or subsequently filed application submitted by a party will be dismissed if that party is determined to be delinquent in paying a standard regulatory fee or an installment payment. The application may be resubmitted only if accompanied by the required regulatory fee and by any assessed penalty payment.").

⁸ NTT America, Inc., *Memorandum Opinion and Order*, 21 FCC Rcd 8088, 8089, ¶ 5 (2006) (47 U.S.C. § 159(c) "requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. ... a timely payment is one received at the Commission's lockbox bank by the due date.").

⁹ See 31 U.S.C. § 3717.

¹⁰ Our records show that in addition to the FY 2013 regulatory fees, Licensee is delinquent in paying the regulatory fees due for FY 2008, FY 2009, FY 2010, FY 2011, and FY 2012. If Licensee has evidence that it paid the fees or that the fees are not due, Licensee should provide relevant verified information establishing those defenses to the Commission.

¹¹ 47 C.F.R. § 1.1910(b)(2).

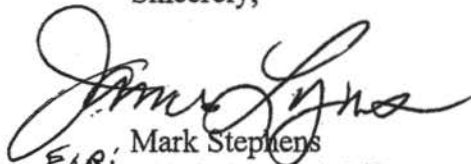
¹² 47 C.F.R. § 1.1164(e).

¹³ See 47 C.F.R. § 1.1901, *et seq.*

¹⁴ See 31 C.F.R. § 3717.

another notification of this process. Finally, Licensee will be red lighted¹⁵ until it pays the debt or makes other satisfactory arrangements.¹⁶ If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,


FOR: Mark Stephens
Chief Financial Officer

¹⁵ See 47 C.F.R. § 1.1910(b)(2) ("Action will be withheld on applications, including on a petition for reconsideration or any application for review of a fee determination, or request for authorization by any entity found to be delinquent in its debt to the Commission"); 47 C.F.R. § 1.1164(e) ("Any pending or subsequently filed application submitted by a party will be dismissed if that party is determined to be delinquent in paying a standard regulatory fee or an installment payment.").

¹⁶ See 47 C.F.R. § 1.1914 ("If a debtor is financially unable to pay a debt in one lump sum, the Commission, in its sole discretion, may accept payment in regular installments.").